

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STORMANS, INC., et al,

Plaintiffs,

v.

MARY SELECKY, et al,

Defendants,

JUDITH BILLINGS, et al,

Intervenors.

Case No. C07-5374RBL

ORDER GRANTING MOTION FOR
CLARIFICATION

THIS MATTER comes before the Court on Motion for Clarification [Dkt. #262] of an earlier discovery Order [Dkt. #238]. The Motion for Clarification is filed by Non-Parties Planned Parenthood of Western Washington, Northwest Women's Law Center, and NARAL Pro-Choice Washington (hereinafter "Non-Parties"). The Court has reviewed the materials for and against the motion. Oral argument is not necessary for the Court to resolve the issues presented by this motion. For the following reasons, the Motion for Clarification is **GRANTED**.

The Court regrets that its prior discovery Order [Dkt. #258] has become the source of consternation and confusion among the plaintiffs and the Non-Parties from whom plaintiffs have sought discovery. The intent of the Court's earlier discovery order was to draw a distinction between (A) actual communications between Non-Parties and those persons or entities responsible for promulgating the regulations that are the subject of this dispute and (B) internal communications among Non-Parties, their

1 members, allies and affiliates related to why or how they communicated to government decision-makers.
2 The discovery Order [Dkt. #258] was intended to compel the production of those documents described in
3 category (A) and to deny production of documents in category (B).

4 As for documents described in requests 8, 9 and 10, the Court is persuaded that the requested
5 information is relevant and should be produced without regard to geographical limitation. The issues
6 surrounding the dispensing of Plan B are national in scope and to the extent Non-Parties have information,
7 be it statistical or anecdotal, regarding access to Plan B anywhere in the United States, that information
8 should be produced. This explanation is not intended to expand the obvious intent of plaintiffs' requests as
9 articulated in requests 8, 9 and 10.

10 Finally, the Court in-artfully expressed its decision to require the producing party to bear the costs
11 of production. The scope of production has been sufficiently limited by the Court such that the cost of
12 producing said documents should not be overly burdensome.

13 Should the parties and Non-Parties require further clarification of the Court's Order, they are urged
14 to select one counsel per side and arrange a telephone conference with the Court.

15 Non-Parties' Motion for Clarification [Dkt. #262] is hereby **GRANTED**.

16 **IT IS SO ORDERED.**

17 Dated this 24th day of November, 2008.

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20 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE